

REMARKS

Applicant requests reconsideration of the above-mentioned application in view of the foregoing amendments and following discussion.

1. The Examiner has stated that claims 1 - 28 and claims 41 - 94, 100 - 102, 104 remain pending in the application. This is not correct. Applicants respectfully call the Examiner's attention to the fact that claims 63 - 74 have been cancelled in Preliminary Amendment A filed on 12 March 2001 along with the present application. Since claims 3, 4, 5, 10, 11, 12, 13, 15, 17, 20, 22, 24 - 28, inclusive, 43 - 45, inclusive, 50 - 53, inclusive, 55, 57, 60, 62, 78, 80, 81, 87 - 92, inclusive, and 94 have already been made the subject of a separate divisional application, as noted by Applicants in Amendment C, dated 1 November 2002, they have been cancelled from the present application. Therefore, claims 1, 2, 6 - 9, inclusive, 14, 16, 18, 19, 21, 23, 41, 42, 46 - 49, inclusive, 54, 56, 58, 59, 61, 75 - 77, inclusive, 79, 82 - 86, inclusive, 93, 100 - 102, inclusive, and 104 remain pending in the present application.

2. The Applicants have elected with traverse, Invention II, (claims 1 - 28, 41 - 62, 75 - 94, 100 - 102, and 104). The Examiner has deemed the requirement as proper and is therefore made final.

3. The drawings have been objected to as failing to comply with CFR 1.84(p)(4) because the reference character "19" has been used to designate both a "fin structure" and "outer surface". Applicant has amended the specification such that the "outer surface" is properly given reference numeral 16e in accordance with page 32, line 23. No new matter has been added. The applicants further hereby submit proposed drawing corrections to Figures 8, 10, and 12, wherein the "outer surface", having been previously mislabeled with reference numeral 19 has been corrected as 16e. Approval of the drawing corrections is respectfully requested.

4. Claims 1, 2, 4 - 9, 14, 15, 18, 19, 75 - 86, 91, 92, 100 have been rejected under 35 U.S.C. 102(b) as being anticipated by May (5,725,312). Claims 4, 5, 15, 78, 80, 81, 91, and 92 have been cancelled. Applicants respectfully disagree with the position of the Examiner. The May reference discloses and claims a bag having a reclosable fastener structure wherein the reclosable fastener is positioned at a location below both the fold structure and the perforations. This arrangement is unlike the present invention, which discloses and claims a reclosable bag having a reclosable fastener that extends past the areas of weakness and into a fold structure. The present arrangement allows the reclosable fastener structure to be sufficiently exposed to the user upon

removal of the fold structure along the areas of structural weakness to allow the user to grasp, without interference, the reclosable fastener assembly. The May reference, in contrast, discloses a structure wherein the arrangement of the present invention is not possible. Specifically, and as mentioned in column 8, lines 6 - 11 of the May reference, the reclosable fastener strips 18 and 16 are heat-fused to the films 12, 14, respectively at the illustrated positions. As seen, the reclosable fastener of the May reference would be undesirably removed from bag along with the fold structure if the May reclosable fastener were positioned into the fold structure and beyond the areas of weakness, as is claimed in the present invention. Accordingly, Applicants respectfully assert that claims 1, 2, 6 - 9, 14, 18, 19, 75 - 77, 79, 82 - 86, and 100 present patentable material and avoid the May reference.

5. Claims 1, 2, 6, 7 - 9, 14, 15, 18 - 20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Boeckmann et al. (4,846,585). Claims 15 and 20 have been cancelled. As noted with regard to the May reference, above, the Boeckmann reference discloses and claims a bag having a reclosable fastener structure wherein the reclosable fastener is positioned at a location below both the fold structure and the perforations. The perforation lines, 29 and 30, of Boeckmann are parallel to and located between the profile elements 27 and 28 (see column 4, lines 2 - 5). This arrangement is unlike the present invention, which discloses and claims a reclosable bag having a reclosable fastener that extends past the areas of weakness and into the fold structure. The present arrangement allows the reclosable fastener structure to be exposed to the user upon removal of the fold structure along the areas of structural weakness. Accordingly it is respectfully asserted that claims 1, 2, 6, 7 - 9, 14, 18 - 19 present patentable material and avoid the Boeckmann reference.

6. Claims 1, 2, 6 - 9, 14, 15, 75 - 80, 82 - 86, 91, 92, 100 have been rejected under 35 U.S.C. 102(e) as being anticipated by Dobreski (5,682,730). Claims 15, 78, 80, and 92 have been cancelled. Applicants respectfully disagree with the Examiner's rejection. The Dobreski reference neither discloses nor claims a reclosable bag wherein the reclosable fastener extends past the areas of structural weakness and into the fold structure. In contrast, the Dobreski reference discloses a reclosable bag wherein the reclosable fastener structure is located at an entirely opposite end of the bag than the fold structure (see the Figures). This is unlike the present claim in which the reclosable fastener structure extends into the fold structure. Applicants assert that claims 1, 2, 6 - 9, 14, 75 - 77, 79, 82 - 86, 91, and 100, present patentable material and avoid the Dobreski reference.

Accordingly, claims 1, 2, 6 - 9, 14, 75 - 77, 79, 82 - 86, 91, and 100 are believed to be in condition for allowance. Early allowance is respectfully requested.

7. Claims 21, 23, 24, 41, 42, 46, 48, 49, 54, 55, 61, 101, 102 have been rejected under 35 U.S.C. 102(e) as being anticipated by Thieman et al. (WO 98/45180). Claims 24, and 55 have been cancelled. Applicants respectfully disagree with the Examiner's rejection. Independent claims 21, 41, 61, 101, and 102 have been amended to now recite the feature of the reclosable bag comprising one sheet of web material. This feature is neither claimed nor disclosed in the Thieman reference. Rather, the Thieman reference discloses a reclosable bag fabricated from a first piece of material, wherein an optional fold structure (tamper evident sheet 60), shown in Figures 7 and 7A, is comprised of a second sheet of material. This is unlike the present application, which claims and discloses a reclosable bag comprised of one sheet of material. The one sheet of web material claimed in the present application further includes the at least one fold structure into which the reclosable fastener extends. The tamper evident sheet 60 of the Thieman reference is a separate, additional sheet of material. Applicants assert that independent claims 21, 41, 61, 101, and 102, as amended present patentable material and avoid the Thieman reference. Claims 23, 42, 46, 48, 49, and 54 depend from amended base claims believed allowable. Accordingly dependent claims 23, 42, 46, 48, 49, and 54 are also believed to be in condition for allowance.

8. Claim 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over May as applied to claims 1, 2, 4 - 9, 14, 15, 18, 19, 75 - 86, 91, 92, 100 above, and further in view of Kanemitsu et al. 5,335,997). Claim 3 has been cancelled.

9. Claims 10 and 87 have been rejected under 35 U.S.C. 103(a) as being unpatentable over May as applied to claims 1, 2, 4 - 9, 14, 15, 18, 19, 75 - 86, 91, 92, 100, above, and further in view view of Kinigakis et al. (6,007,246). Claims 10 and 87 have been cancelled.

10. Claims 11 - 13, 16, 17, 88 - 90, 93, and 94 have been rejected under U.S.C. 103(a) as being unpatentable over May as applied to claims 1, 2, 4 - 9, 14, 15, 18, 19, 75 - 86, 91, 92, 100, above, further in view of Hayashi et al. (6,074,097). Claims 11, 12, 13, 17, 88 - 90, inclusive, and 94 have been cancelled. As mentioned above with reference to claims 1, 2, 6 - 9, 14, 18, 19, 75 - 77, 79, 82 - 86, and 100, the May reference is unlike the present claim. The May reference discloses a structure wherein the arrangement claimed and disclosed in the present invention is not possible. Specifically, and as mentioned in column 8, lines 6 - 11 of the May reference, the reclosable fastener strips 18 and 16 are heat-fused to the films 12, 14, respectively at the illustrated positions. The

reclosable fastener of the May reference would be undesirably removed from bag along with the fold structure if the reclosable fastener as illustrated in May were positioned into the fold structure and beyond the areas of weakness, as is claimed in the present invention. Given this, it cannot be reasonably asserted that there is an objective teaching for making the proposed combination. Since claims 16 and 93 depend from independent claims believed to be allowable, Applicants assert that claims 16 and 93 are also in condition for allowance.

11. Claims 41, 42, 44, 45, 47 - 49, 54, 55, 58, 59, 61, 62, 101, 102, and 104 have been rejected under 35 U.S.C. 103(a) as being unpatentable over May in view of Thieman et al. Claims 44, 45, 55, and 62 have been cancelled. As mentioned above with reference to claims 1, 2, 6 - 9, 14, 18, 19, 75 - 77, 79, 82 - 86, and 100, the May reference is unlike the present claim. The May reference discloses a structure wherein the arrangement of the present invention is not possible. Specifically, and as mentioned in column 8, lines 6 - 11 of the May reference, the reclosable fastener strips 18 and 16 are heat-fused to the films 12, 14, respectively at the illustrated positions. The reclosable fastener of the May reference would be undesirably removed from bag along with the fold structure if the reclosable fastener as illustrated in May were positioned into the fold structure and beyond the areas of weakness, as is claimed in the present invention. Further, and as mentioned in paragraph 7 with regard to the Thieman reference, independent claims 41, 61, 101, 102, and 104 have been amended to now include the feature of the reclosable bag comprising one sheet of material. This feature is neither claimed nor disclosed in the Thieman reference. Rather, the Thieman reference discloses a reclosable bag fabricated from a first piece of material, wherein an optional fold structure (tamper evident sheet 60), shown in Figures 7 and 7A, is comprised of a second sheet of material. Again there is simply no objective basis for making the proposed combination. Accordingly, independent claims 41, 61, 101, 102, and 104 are believed to be in condition for allowance. Since claims 42, 47 - 49, 54, 58, and 59 depend from independent claims believed to be allowable, Applicants assert that claims 42, 47 - 49, 54, 58, and 59 are also in condition for allowance.

12. Claim 43 has been rejected under 35 U.S. C. 103(a) as being unpatentable over May in view of Thieman as applied above to claims 41, 42, 44, 45, 47 - 49, 54, 55, 58, 59, 61, 62, 101, 102, and 104, further in view of Kanemitsu. Claim 43 has been cancelled.

13. Claims 51 - 53, 56, and 57 have been rejected under 35 U.S.C. 103(a) as being unpatentable over May in view of Thieman as applied above to claims 41, 42, 44, 45, 47 - 49, 54, 55,

58, 59, 61, 62, 101, 102, and 104, further in view of Hayashi et al. Claims 51 - 53, inclusive, and 57 have been cancelled. As mentioned above with reference to claims 1, 2, 6 - 9, 14, 18, 19, 75 - 77, 79, 82 - 86, and 100, the May reference is unlike the present claim. The May reference discloses a structure wherein the arrangement of the present invention is not possible. Specifically, and as mentioned in column 8, lines 6 - 11 of the May reference, the reclosable fastener strips 18 and 16 are heat-fused to the films 12, 14, respectively at the illustrated positions. The reclosable fastener of the May reference would be undesirably removed from bag along with the fold structure if the reclosable fastener as illustrated in May were positioned into the fold structure and beyond the areas of weakness, as is claimed in the present invention. Again, there is no objective basis for making the proposed combination. Since claim 56 depends from independent claim 41 believed to be allowable, Applicants assert that claim 56 is also in condition for allowance.

14. Claims 22 and 60 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Thieman et al, further in view of Boeckmann et al. Claims 22 and 60 have been cancelled.

15. Claims 25 - 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Thiemann et al. and further in view of May. Claims 25 - 27, inclusive have been cancelled.

16. Claims 28 and 62 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Thiemann et al as applied to claims 21, 23, 24, 41, 42, 46, 48, 49, 54, 55, 61, above. Claims 28 and 62 have been cancelled.

17. Claim 43 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Thiemann as applied to claims 21, 23, 24, 41, 42, 46, 48, 49, 54, 55, 61, above, and further in view of Kanemitsu. Claim 43 has been cancelled.

18. Claim 50 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Thiemann as applied to 21, 23, 24, 41, 42, 46, 48, 49, 54, 55, 61, above, and further in view of Kinigakis et al (6,007,246). Claim 50 has been cancelled.

19. Claims 51 - 53, 56, and 57 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Thiemann et al. as applied to claims 21, 23, 24, 41, 42, 46, 48, 49, 54, 55, 61, above and further in view of Hayashi et al. Claims 51 - 53, inclusive, and 57 have been cancelled. Claim 56 depends from amended independent claim 41, believed allowable over Thieman (see paragraph 7, above). Accordingly, it is believed that claim 56 is also in condition for allowance.

Applicants respectfully request that the objections and rejections be removed, that amended claims 1, 21, 41, 61, 75 - 77, inclusive 100 - 102, inclusive, and 104 and claims 2, 6 - 9, inclusive, 14,

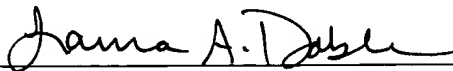
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16, 18, 19, 23, 42, 46 - 49, inclusive, 54, 56, 58, 59, 79, 82 - 86, inclusive, and 93, be passed to allowance.

Applicants further request a telephone interview with the Examiner should any action other than an allowance result from the present amendment.

Respectfully Submitted,

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